

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 18716 of 2007(C)

PETITIONER:

M.NARAYANAN NAIR, POORNIMA,
CHINGAPURAM (P.O),(VIA) THIKKODY,
KOZHIKODE DISTRICT.

BY ADV. SRI.C.VALSALAN
SRI.I.K.RAJU
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V

RESPONDENTS:

1. THE TAHSILDAR(REVENUE RECOVERY)
REVENUE RECOVERY OFFICE,
MINI CIVIL STATION, VADAKARA (P.O),
KOZHIKODE DISTRICT.
2. GENERAL MANAGER(TELECOM),
B.S.N.L.MOBILE, CALICUT.
3. THE ACCOUNTS OFFICER(CMTS),
OFFICE OF THE GENERAL MANAGER(TELECOM),
B.S.N.L.MOBILE, CALICUT-1.

BY ADV. SRI.V.R.KESAVAKAIMAL, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 18716 OF 2007

Dated this the 19th day of June, 2007

JUDGMENT

Petitioner is challenging recovery proceedings on the ground that petitioner is not the subscriber for the mobile phone connection taken from BSNL. Standing counsel appearing for BSNL produced the guarantee agreement executed by the petitioner for giving connection to his son. In the circumstances, there is no scope for interference with recovery proceedings as petitioner has unconditionally undertaken to clear the arrears if default is committed by his son, who is a subscriber. Petitioner cannot deny the signature without involving his son. If there is manipulation, it is open to the petitioner to proceed in the matter after verifying the records and after rechecking with his son. Since the amount involved is quite high, I grant two equal instalments to the petitioner to clear the arrears first of which will be paid on or before 15.7.2007 and the balance on or before 15.8.2007. If payments are made as above, then no collection charges or interest should be recovered from the petitioner. However, if default is committed by the

petitioner, respondents will proceed for recovery of the entire amount and in that event collection charges and interest will also be recovered from the petitioner. If the petitioner approaches concerned Officer of the BSNL, petitioner should be shown original documents for verification and satisfaction and if he desires, photocopy should be furnished to the petitioner for him to take any steps in the matter. If petitioner succeeds the amounts remitted will be refunded.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

